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AUG 13 2004

In re Application of : **OFFICE OF PETITIONS**
Pryzgoda :
Filed: January 28, 2004 : ON PETITION
Application No. 10/766,203 :
Dkt. No.: 68,127-022 :

This decision is in response to the "PETITION & RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION," filed June 30, 2004. This petition is being treated as a petition for withdrawal of Notice and accordance of a filing date of January 28, 2004.

The application was filed January 28, 2004. The Notice mailed June 17, 2004 by the Office of Initial Patent Examination indicated that the application had been accorded a filing date but that pages 8, 23, and 25 of the specification appeared to have been omitted from the application as filed.

In response, the present petition was filed wherein petitioner argues that the application as deposited included pages 8, 23, and 25 of the specification. Petitioner has included as proof of mailing and proof of receipt of the omitted items in question a return postcard date stamped by the Office on January 28, 2004. A copy of pages 8, 23, and 25 of the specification purportedly filed with the application on January 28, 2004 was also supplied.

The original pages 8, 23, and 25 have not been located. However, in view of the evidence presented, the petition to accord the above-identified application a filing date of January 28, 2004 is hereby GRANTED. The Notice of Omitted Item(s) in a Nonprovisional Application is hereby WITHDRAWN.

Since the original pages 8, 23, and 25 of the specification cannot be located in the Office, the copy of pages 8, 23, and 25 supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted \$130.00 petition fee has been requested from the Finance Office, Refund Section on petitioner's behalf.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 28, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.



Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: _____

2 Serial/Patent # 101766 203

3 Please refund the following fee(s):

4 PAPER
NUMBER

5 DATE
FILED

6 AMOUNT

Filing

\$

Amendment

\$

Extension of Time

\$

Notice of Appeal/Appeal

\$

☒ Petition

IFW

6/30/04

\$ 130

Issue

\$

Cert of Correction/Terminal Disc.

\$

Maintenance

\$

Assignment

\$

Other

\$

7 TOTAL AMOUNT
OF REFUND

\$130

8 TO BE REFUNDED BY:

Treasury Check

☒ Credit Deposit A/C #:

9

0	8	--	2	7	8	9
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10 REASON:

Overpayment

Duplicate Payment

☒ No Fee Due (Explanation):

PTO ERROR

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: AMBROWN

TITLE: Att.

SIGNATURE: [Signature]

PHONE: 305 0310

OFFICE: OP

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [Signature]

DATE: 8/13/04

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